



State of Washington  
Application for a Water Right

Please follow the attached instructions to avoid unnecessary delays.

RECEIVED  
AUG 05 2002  
FECOLOGY

For Ecology Use

Fee Paid 10.00

Date 9/26/02

Section 1. APPLICANT - PERSON, ORGANIZATION, OR WATER SYSTEM

Name: City of Lynden Home Tel: (360) 354-3446  
Mailing Address 323 Front Street Work Tel: (360) 354-3446  
City Lynden State WA Zip+4 98264 + 1918 FAX: (360) 354-8951

Section 2. CONTACT - PERSON TO CALL ABOUT THE APPLICATION

☐ Same as above

Name John Eley Home Tel: (360) 354-3446  
Mailing Address 323 Front Street Work Tel: (360) 354-3446  
City Lynden State WA Zip+4 98264 + 1918 FAX: (360) 354-8951  
Relationship to applicant Public Works Director

Section 3. STATEMENT OF INTENT

The applicant requests a permit to use not more than 5.11 ( ☐ gallons per minute or ☒ cubic feet per second) from a ☒ surface water source or ☐ ground water source (check only one) for the purpose(s) of Municipal Supply ATTACH A "LEGAL" DESCRIPTION OF THE PLACE OF USE. (See instructions.) NOTE: A tax parcel number or a plat number is not sufficient. The City's current Urban Growth Area and area of surrounding associations the City supplies  
Estimate a maximum annual quantity to be used in acre-feet per year: 3698 acre-feet per year.

☐ Check if the water use is proposed for a short-term project. Indicate the period of time that the water will be needed:

From     /    /     to     /    /    

Section 4. WATER SOURCE

If SURFACE WATER						If GROUNDWATER		
Name the water source and indicate if stream, spring, lake, etc. If unnamed, write "unnamed spring," "unnamed stream," etc.: <u>Nooksack River</u>						A permit is desired for <u>    </u> well(s).		
Number of diversions: <u>1</u>								
Source flows into (name of body of water): <u>Bellingham Bay</u>						Size & depth of well(s):		
LOCATION								
Enter the north-south and east-west distances in feet from the point of diversion or withdrawal to the nearest section corner: <u>650 feet north and 100 feet east of the southwest corner of section 21 T40N R3E</u>								
¼ of	¼ of	Section	Township	Range(E/W)	County	If location of source is platted, complete below:		
						Lot	Block	Subdivision
<u>SW</u>	<u>SW</u>	<u>21</u>	<u>40N</u>	<u>3E</u>	<u>Whatcom</u>			
For Ecology Use Date Received: <u>9/26/02</u> Priority Date: <u>9/26/02</u>								
SEPA: Exempt/Not Exempt FERC License # <u>    </u> Dept. Of Health # <u>    </u>								
Date Accepted As Complete <u>9/26/02</u> By <u>DJR</u> Date Returned <u>    </u> By <u>    </u> WRIA: <u>1</u>								



## Section 5. GENERAL WATER SYSTEM INFORMATION

- A. Name of system, if named: City of Lynden
- B. Briefly describe your proposed water system. (See instructions.)

The City's intake is on the south side of the Nooksack River. 4 intake pumps of various sizes pump water to the treatment plant. The treatment plant is a conventional filtration plant utilizing rapid mixing of chemicals, flocculation, sedimentation and filtration. Potable water is stored in the clearwell and pumped to the distribution system by 3 clearwell pumps. System storage is provided by 2 elevated tanks totaling 300,000 gallons and a 3 million-gallon ground level reservoir. A new 7 million-gallon ground level is at final design stage. Conservation measures include odd-even watering, leak detection and new touch-read meters.

### Application Proposal:

With this application the City is requesting an instantaneous right ( $Q_i$ ) of 5.11 c.f.s. and an annual amount ( $Q_a$ ) of 3698 acre-feet/year. These quantities would be in addition to and not supplemental to the City's existing  $Q_i$  or  $Q_a$  amounts (see-attached table). The City is making this application interruptible. Under this scenario the City would not utilize the right during those times when existing instream flow quantities are not being met. In reviewing historical data (1935-2000) for the Deming gaging station mean monthly flow is close to existing instream flow levels between July and October. With this in mind the City would plan to utilize its existing right during these months and the proposed right the other eight months.

- C. Do you already have any water rights or claims associated with this property or system? ☒ YES ☐ NO  
PROVIDE DOCUMENTATION. The City presently has three (3) certificated rights and one application pending with the Department (certificates and application attached).

## Section 6. DOMESTIC / PUBLIC WATER SUPPLY SYSTEM INFORMATION (Completed for all domestic/public supply uses.)

- A. Number of "connections" requested 4500 Type of connection Municipal use including residential, commercial, industrial/business (Homes, Apartment, Recreational, etc.)
- B. Are you within the area of an approved water system? ☐ YES ☒ NO  
If yes, explain why you are unable to connect to the system. *Note: Regional water systems are identified by your County Health Department.* The City of Lynden is the listed regional water system.

**Complete C. and D. only if the proposed water system will have fifteen or more connections.**

- C. Do you have a current water system plan approved by the Washington State Department of Health? ☒ YES ☐ NO  
If yes, when was it approved? December 1999 Please attach the current approved version of your plan.
- D. Do you have an approved conservation plan? ☒ YES ☐ NO  
If yes, when was it approved? December 1999 Please attach the current approved version of your plan.

## Section 7. IRRIGATION/AGRICULTURAL/FARM INFORMATION (Complete for all irrigation and agriculture uses.)

- A. Total number of acres to be irrigated: \_\_\_\_\_
- B. List total number of acres for other specified agricultural uses:
- |           |             |
|-----------|-------------|
| Use _____ | Acres _____ |
| Use _____ | Acres _____ |
| Use _____ | Acres _____ |
- C. Total number of acres to be covered by this application: \_\_\_\_\_
- D. Family Farm Act (Initiative Measure Number 59, November 3, 1977)  
Add up the acreage in which you have a controlling interest, including only:
- ‡ Acreage irrigated under water rights acquired after December 8, 1977;
  - ‡ Acreage proposed to be irrigated under this application;
  - ‡ Acreage proposed to be irrigated under other pending application(s).
1. Is the combined acreage greater than 2000 acres? ☐ YES ☐ NO
2. Do you have a controlling interest in a Family Farm Development Permit? ☐ YES ☐ NO  
If yes, enter permit no: \_\_\_\_\_
- E. Farm uses:  
Stockwater - Total # of animals \_\_\_\_\_ Animal type \_\_\_\_\_ (If dairy cattle, see below)



Dairy - # Milking \_\_\_\_\_ # Non-milking \_\_\_\_\_



## Section 8. WATER STORAGE

Will you be using a dam, dike, or other structure to retain or store water?  
The City will utilize enclosed structures for storage.

☒ YES ☐ NO

*NOTE: If you will be storing 10 acre-feet or more of water and/or if the water depth will be 10 feet or more at the deepest point, and some portion of the storage will be above grade, you must also apply for a reservoir permit. You can get a reservoir permit application from the Department of Ecology.*

## Section 9. DRIVING DIRECTIONS

Provide detailed driving instructions to the project site.

Access to the City's river intake structure is: From I-5 north: take exit 255 (SR-542), go east for approximately 2 miles to the Hannegan Road. From here head north for approximately 12 miles. The intake structure is on the south side of the Nooksack bridge on the east side of the road.

## Section 10. REQUIRED MAP

A. Attach a map of the project. (See instructions.)

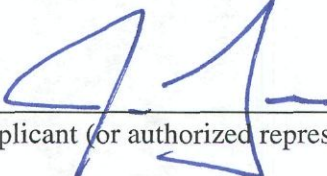
## Section 11. PROPERTY OWNERSHIP

A. Does the applicant own the land on which the water will be used? ☐ YES ☒ NO  
If no, explain the applicant's interest in the place of use and provide the name(s) and address(es) of the owner(s):

The City owns only those parcels used for running the city. All other connections are private and are billed  
monthly or bi-monthly.

B. Does the applicant own the land on which the water source is located? ☒ YES ☐ NO  
If no, submit a copy of agreement:  
Yes via easement agreements with Whatcom County.

I certify that the information above is true and accurate to the best of my knowledge. I understand that in order to process my application, I grant staff from the Department of Ecology access to the site for inspection and monitoring purposes. Even though I may have been assisted in the preparation of the above application by the employees of the Department of Ecology, all responsibility for the accuracy of the information rests with me.

  
Applicant (or authorized representative)

JULY 31, 2002  
Date

SAME  
Landowner for place of use (if same as applicant, write "same")

\_\_\_\_\_  
Date



Use this page to continue your answers to any questions on the application. Please indicate section number before answer.

We are returning your application for the following reason(s):	
_____ Examination fee was not enclosed	APPLICANT PLEASE RETURN TO CASHIER, PO BOX 5128, LACEY, WA 98509-5128
_____ Section number(s) _____ is/are incomplete	APPLICANT PLEASE RETURN TO THE APPROPRIATE REGIONAL OFFICE
Explanation:	
Please provide the additional information requested above and return your application by _____ _____ (date).	

Ecology staff \_\_\_\_\_ Date \_\_\_\_\_

Ecology is an Equal Opportunity and Affirmative Action employer.

To receive this document in alternative format, contact the Water Resources Program at (360) 407-6604 (Voice) or (360) 407-6006 (TDD).



**CITY OF LYNDEN**  
PUBLIC WORKS DEPARTMENT  
PLANNING DEPARTMENT



John F. Eley  
Public Works Director  
323 Front Street  
Lynden, WA 98264  
(360) 354-3446  
FAX (360) 354-8951

Amy Harksell  
City Planner  
323 Front Street  
Lynden, WA 98264  
(360) 354-5532  
FAX (360) 354-8951

July 30, 2002

**RECEIVED**

AUG 05 2002

DEPT OF ECOLOGY

Dan Swenson, Supervisor  
Water Resources Section  
Northwest Regional Office  
Department of Ecology  
3190 160<sup>th</sup> Avenue Southeast  
Bellevue, WA 98008-5452

Dear Mr. Swenson:

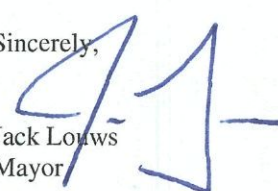
This letter is in regards to the City of Lynden's permitted withdrawal from the Nooksack River. The City is presently under a self-imposed moratorium for new lot creation due to exceedence in annual quantity of withdraws. The City presently has three (3) water certificates for the Nooksack River, which Ecology has indicated provide water rights totaling 11.77 c.f.s. instantaneous and 1792 acre-feet per year annual quantity for municipal supply (table attached). For purposes of this application, it is assumed that this is the sum total of Lynden's municipal water rights.

The City is looking at numerous avenues and working closely with the Bellingham office to resolve the City's present shortfall. One option is a new water right. Enclosed, please find the City's application for a new Municipal water right to withdraw from the Nooksack River at the City's existing diversion. With this application the City is requesting an instantaneous right ( $Q_i$ ) of 5.11 c.f.s. and an annual amount ( $Q_a$ ) of 3698 acre-feet/year. This quantity incorporates a need of 566 ac.ft to meet current need and 3132 ac.ft for future (table attached). These quantities would be in addition to and not supplemental to the City's existing  $Q_i$  or  $Q_a$  amounts (see attached table). The City is making this application interruptible. Under this scenario the City would not utilize this right during those times when existing instream flow quantities are not being met. In reviewing historical data (1935-2000) for the Deming gaging station mean monthly flow is close to instream flow levels between July and October. With this in-mind the City would plan to utilize its existing right during these months and the proposed right the other eight months (table attached).

The above requested totals are within design criteria of the existing intake structure and will allow the City to meet population projections of its approved comprehensive plan (table attached).

I look forward to working with you on this issue. I believe that in working together we can find solutions that benefit all parties. If you have questions and/or concerns regarding this application please feel free to contact John Eley (Public Works Director) at (360) 354-3446 or e-mail at [elej@lyndenwa.org](mailto:elej@lyndenwa.org).

Sincerely,

  
Jack Louws  
Mayor

cc: Jim Bucknell, DOE BFO  
file: Water rights



**CITY OF LYNDEN**  
**EXISTING MUNICIPAL WATER RIGHTS**  
**Vs.**  
**PROPOSED MUNICIPAL RIGHTS**

**EXISTING WATER RIGHTS**

Certificate	Priority Date	Source/Purpose	Instantaneous Q <sub>I</sub> (cfs)	Annual Q <sub>a</sub> (ac-ft/yr)
Certificate 6821	12/03/1956	Nooksack River Municipal	5.0 cfs	1120 ac-ft/yr
Certificate 8986	11/14/1962	Nooksack River Municipal	5.0 cfs	1680 ac-ft/yr less use from 6821
Certificate S1-21540C	04/25/1974	Nooksack River Municipal	1.77 cfs	112 ac-ft/yr
<b>Total Municipal Supply</b>			<b>11.77 cfs</b>	<b>1792 ac-ft/yr</b>

**YEAR 2020 NEW WATER UTILIZATION**

Landuse	Units	Daily quantity	Daily total	Yearly Quantity
Single Family <sup>(1)</sup>	3225	400 gpd per unit	1,290,000 gpd	1445.08 ac.ft
Multi-family <sup>(1)</sup>	1075	300 gpd per unit	322,500 gpd	361.27 ac.ft
Future Commercial & Industrial	754 acres <sup>(2)</sup>	1000 gallons per acre per day	754,000	844.65 ac.ft
WTP backwash	N/A	N/A	95,000 gal	106.42 ac.ft
Water Assoc.	N/A	N/A	200,000 gal	244.04 ac.ft
Total	N/A	N/A	2,661,500 gal	3,981.47 ac.ft
Contingency			133,075 gal	149.07 ac.ft
<b>Grand Total</b>			<b>2,794,575 gal</b>	<b>3130.54 ac.ft</b>

(1) Year 2020 projection: 4300 Additional Single Family Equivalent Units, 3/4 to be single family with 1/4 multi-family.

(2) Applied 1000 gallons per acre per day

**PROPOSED WATER RIGHTS**

Certificate	Priority Date	Source/Purpose	Instantaneous Q <sub>I</sub> (cfs)	Annual Q <sub>a</sub> (ac-ft/yr)
Certificate 6821	12/03/1956	Nooksack River Municipal	5.0 cfs	1120 ac-ft/yr
Certificate 8986	11/14/1962	Nooksack River Municipal	5.0 cfs	1680 ac-ft/yr less use from 6821
Certificate S1-21540C	04/25/1974	Nooksack River Municipal	1.77 cfs	112 ac-ft/yr
<b>This application</b>	<b>2002</b>	<b>Nooksack River Municipal</b>	<b>5.11 cfs</b>	<b>3698 ac-ft/yr</b>
<b>Total Municipal Supply</b>			<b>16.88 cfs</b>	<b>5490 ac-ft/yr</b>

### PROPOSED WATER RIGHT UTILIZATION

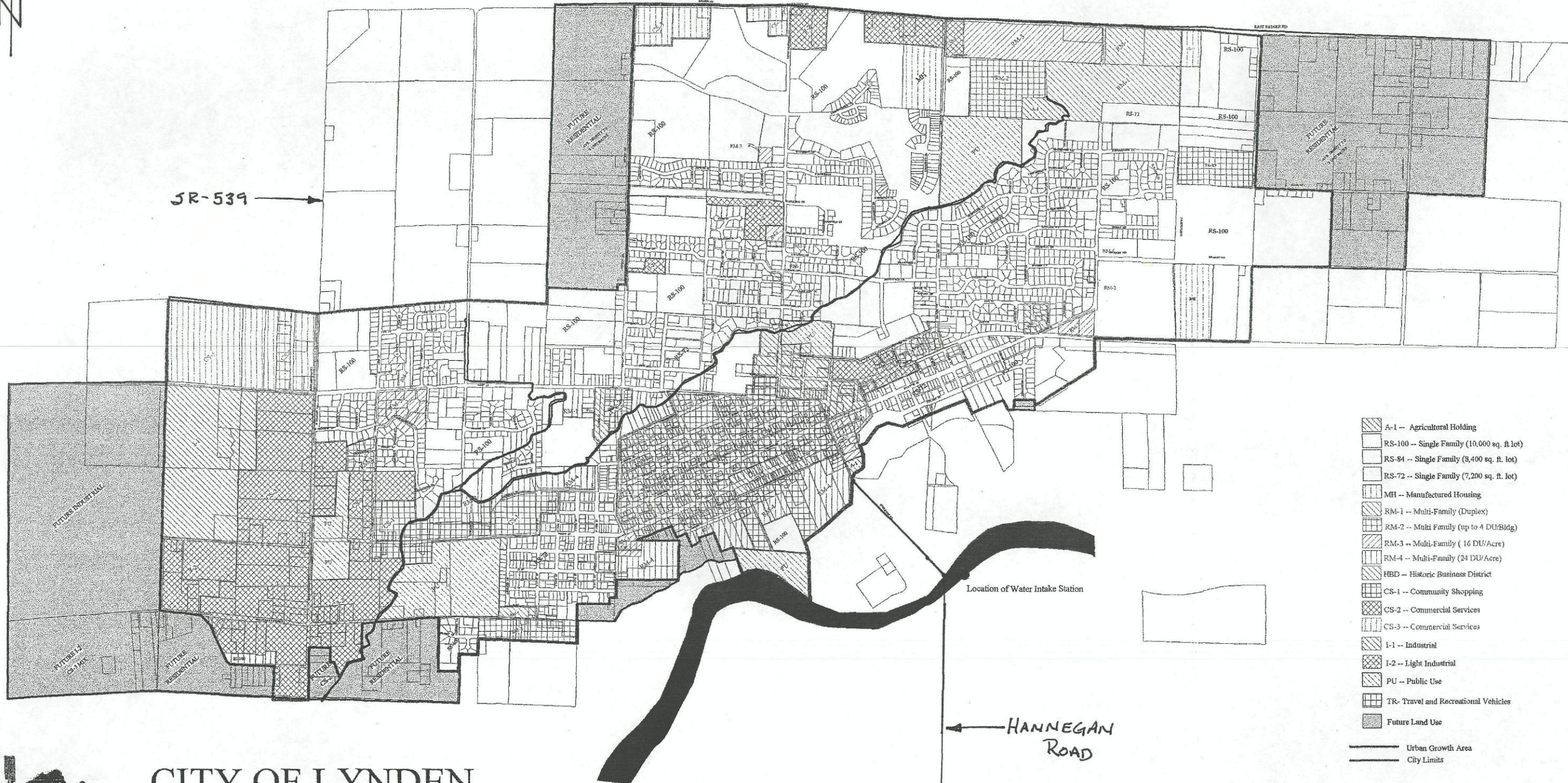
Water Right	Quantitiy	Authorized Rate	Period of Use	Gallons per day (1)
Certificates:6821, 8986 and S1-21540C	1792 ac.ft per year	11.77 cfs	July through October	2,794,575 gal
Proposed right	3698 ac.ft per year	5.11 cfs	Jan. though June and Nov to Dec.	2,794,575 gal

1. 2020 Peak Day Demand estimated at 8,600,000 gallons (City of Lynden adopted Comprehensive Water Plan).



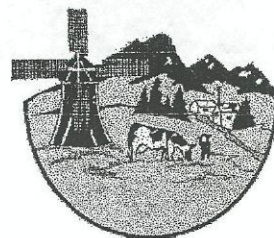


SR-539



- A-1 -- Agricultural Holding
- RS-100 -- Single Family (10,000 sq. ft. lot)
- RS-84 -- Single Family (8,400 sq. ft. lot)
- RS-72 -- Single Family (7,200 sq. ft. lot)
- MH -- Manufactured Housing
- RM-1 -- Multi-Family (Duplex)
- RM-2 -- Multi-Family (up to 4 DU/Bldg)
- RM-3 -- Multi-Family (16 DU/Acre)
- RM-4 -- Multi-Family (24 DU/Acre)
- HBD -- Historic Business District
- CS-1 -- Community Shopping
- CS-2 -- Commercial Services
- CS-3 -- Commercial Services
- I-1 -- Industrial
- I-2 -- Light Industrial
- PU -- Public Use
- TR -- Travel and Recreational Vehicles
- Future Land Use

- Urban Growth Area
- City Limits



CITY OF LYNDEN  
ZONING MAP  
AS APPROVED DECEMBER 4, 2000